

## **DETAILED ACTION**

### ***Withdrawal of Finality***

1. The finality of the Office action mailed July 8, 2008 is hereby withdrawn in view of the new grounds of rejection set forth below. The indicated allowability of claims 15 and 19 is withdrawn in view of the newly discovered reference(s) to Tokuji et al. (JP 2003-188418). Rejections based on the newly cited reference(s) follow. Furthermore claims 16 and 18 have been below rejected under 35 U.S.C. 112, second paragraph.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "large margin" in claims 16 and 18 is a relative term which renders the claim indefinite. The term "large margin" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tokuji et al. (JP 2003-188418).

7. In reference to claim 15, Tokuji et al. (JP 2003-188418, hereinafter referred to as the "Tokuji" reference) discloses a structure which meets the claim. Figures 2, 4(a), and 4(b) of Tokuji discloses an attachment structure of an LED (1), characterized in that in a connection of an anode and a cathode of an LED (1) where the anode, cathode and an LED pedestal (not labeled but directly beneath the LED (1)) are provided within a housing (4) to wiring patterns provided on a substrate. A lead end (3) is thermally connected to the LED pedestal is provided outside of the housing (4) of the LED. A heat radiating member or a cooling member (not labeled but can be seen as solder attached to bottom of lead end (3)) is directly attached to the rear surface of the substrate in a manner that the lead end of the LED (1) is thermally connected either directly to the heat radiating member or the cooling member.

8. With regard to claim 19, the examiner notes the limitation "used for emitting ultraviolet light." However a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art

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structure is capable of performing the intended use, then it meets the claim. Thus this limitation is not patentable over Tokuji.

### ***Allowable Subject Matter***

9. Claims 12-14 and 17 were allowed in a previous Office action.
10. The following is a statement of reasons for the indication of allowable subject matter: the reasons for allowance were cited in a previous Office action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Purvis can be reached on (571) 272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Kevin Quinto/  
Examiner, Art Unit 2826

/Evan Pert/  
Primary Examiner, Art Unit 2826